



Department
for Education

Participation of young people in education, employment or training

Statutory guidance for local authorities

September 2014

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Summary

About this guidance

1. This is statutory guidance from the Department for Education (the Department). A local authority must have regard to it when exercising its functions relating to the participation of young people in education or training. The annexes to this guidance contain departmental advice to help recipients understand what the Department considers the statutory provisions to mean in particular circumstances.

Review date

2. The Department will review this guidance by September 2015 and might publish an updated version following this review.

What legislation does this guidance refer to?

3. This guidance is issued under sections 18 and 68(4) of the 2008 Education and Skills Act (ESA 2008) in relation to sections 10, 12 and 68 of that Act.

Who is this guidance for?

4. This guidance is for all local authorities in England.

Main points

5. Most young people already continue in education or training after they finish year 11, because it gives them the best chance to get the skills and qualifications that employers and universities look for. However, the small group of young people not participating includes some of the most vulnerable. We want to give all young people the opportunity to develop the skills they need for adult life and to achieve their full potential.

6. Participating in education or training for longer means young people are more likely to attain higher levels of qualifications and have increased earnings over their lifetime, better health and improved social skills. This in turn contributes to a more highly skilled, productive, and internationally competitive workforce.

7. Alongside introducing reforms to improve the quality of post-16 education and training, the government has raised the participation age (RPA) so that all young people in England are now required to continue in education or training for longer.

8. RPA does not necessarily mean staying in school; young people have a choice about how they continue in education or training post-16. This could be through:

- full-time study in a school, college or with a training provider;
- full-time work or volunteering (20 hours or more) combined with part-time education or training; or
- an apprenticeship or traineeship (more information available at www.apprenticeships.org.uk).

9. Pupils who left year 11 in summer 2013 had to continue in education or training for at least a further year until June 2014. Pupils who left year 11 in summer 2014 or beyond need to continue until at least their 18th birthday.

10. Although the proportion of young people not in education, employment or training (NEET) is falling, it remains too high especially at ages 18 and 19. Whilst many young people are NEET for a relatively short period, there are others – especially more disadvantaged young people – who struggle to progress to sustainable education, employment or training. Intervening early is important to prevent the risk of long-term disengagement and the risk of adult unemployment, low wages and health issues.

11. Whilst the Department provides the framework to increase participation and reduce the proportion of young people NEET, responsibility and accountability lies with local authorities. Local authorities have a critical role to play in supporting young people to access education and training – and therefore in understanding the characteristics and current activity of the young people in their area. This guidance sets out the duties on local authorities, and the crucial roles that schools, colleges and training providers have with regard to post-16 participation.

12. The Department tracks the performance of local authorities in delivering their duties, using data collected by authorities and submitted to the National Client Caseload Information System (NCCIS). NCCIS includes data showing the numbers of young

people participating in education or training, those who are NEET or those whose current activity is not known.

13. This guidance has been updated to reflect a number of queries that have arisen during the first year of RPA and new arrangements for young people with special educational needs (SEN) and disabilities in the Children and Families Act 2014.

Local authorities

Responsibilities of local authorities

14. The government's approach is to give local authorities freedom and flexibility to decide how to fulfil their statutory duties. That is why we are only specifying key activities to help them to fulfil those duties. Local authorities should have regard to the following guidance when deciding how to organise and resource their services.

Duties on local authorities relating to participation

15. Prior to RPA, local authorities had existing duties to encourage, enable and assist young people to participate in education or training which still apply. These duties are to:

- Secure sufficient suitable education and training provision for all young people aged 16 to 19 and for those up to age 25 with a learning difficulty assessment (LDA) or Education, Health and Care (ECH) plan in their area¹. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision. Guidance on this duty is included at paragraphs 17-19.
- Make available to all young people aged 13-19 and to those up to age 25 with an LDA or EHC plan, support that will encourage, enable or assist them to participate in education or training². Guidance on this duty is included at paragraphs 21 to 34.

Tracking young people's participation is a key element of these duties. Local authorities are required to collect information about all young people so that those who are not participating, or are NEET, can be identified and given support to re-engage. Robust tracking also provides the local authority with information that will help to ensure that suitable education and training provision is available and that resources can be targeted effectively.

16. In addition, ESA 2008 placed two RPA-related duties on local authorities with regard to 16 and 17 year olds:

- Local authorities must promote the effective participation in education and training of 16 and 17 year olds in their area with a view to ensuring that those persons fulfil the duty to participate in education or training³. A key element of this is identifying the young people in their area who are covered by the duty to participate and

¹ Sections 15ZA and 18A of the Education Act 1996 (as inserted by the Apprenticeships, Skills and Children and Learning Act 2009) and from 1st September 2014, Part 3 of the Children and Families Act 2014

² Section 68 Education and Skills Act 2008 as updated by Section 20 in Part 3 of the Children and Families Act 2014

³ Section 10 Education and Skills Act 2008

encouraging them to find a suitable education or training place. Guidance on this duty is included at paragraphs 40 to 43.

- Local authorities must make arrangements - ie maintain a tracking system - to identify 16 and 17 year olds who are not participating in education or training⁴. Putting in place robust arrangements to identify young people who are not engaged in education or training or who have left provision enables local authorities to offer support as soon as possible. Guidance on this duty is included in paragraph 44.

Funding for these duties

17. Local authorities are expected to meet any costs incurred in the delivery of these duties from their overall budgets, including central government grants.

18. Funding for education and training provision for 16 to 19 year olds and those aged 19-25 with an LDA or EHC plan is provided to schools, colleges and training providers by the Education Funding Agency (EFA). Where local authorities feel that there is a specific gap in provision that cannot be addressed by existing providers, there is a process by which this can be brought to the attention of the EFA for consideration and action as appropriate⁵. Re-engagement programmes should be used to support young people who are NEET back into learning where available and appropriate. Examples of re-engagement programmes include programmes funded by the European Social Fund (ESF), the EFA managed Youth Contract for 16 and 17 year olds (until March 2016⁶), National Citizen Service (NCS), Youth Engagement Fund, and Fair Chance Fund. Other ways of re-engaging young people may be sourced locally and further information and re-engagement principles are set out in Annex 3.

19. Local authorities will also receive a single 5 to 25 high needs allocation within the Dedicated Schools Grant (DSG) which includes funding for post-16 high needs students.

20. The 16 to 19 Bursary Fund provides targeted support to help young people to overcome any specific financial barriers to participation⁷. The majority of this funding is administered by schools, colleges and training providers; funding for the most vulnerable young people is administered by EFA. Local authorities can seek to work with institutions in their area to coordinate and support the delivery of the 16 to 19 Bursary. Local authorities also administer the fund in respect of their own direct provision, including local authority maintained schools with sixth forms.

⁴ Section 12 Education and Skills Act 2008

⁵ For further information see the gov.uk guidance "[16 to 19 education: market entry](#)".

⁶ In line with the contracts for delivery with the prime contractors, the EFA managed Youth Contract programme for 16 and 17 year olds will recruit young people until 31 March 2015 and will continue supporting young people on programmes to 31 March 2016 in local authority areas.

⁷ For more information on the 16 to 19 Bursary Fund, see the gov.uk guidance "[16 to 19 education: financial support for students](#)".

Delivering the existing duties on local authorities to support participation

21. This section relates to local authorities' existing duty under section 68 of ESA 2008. This applies to all young people aged 13 to 19 and those up to age 25 with an LDA or ECH plan.

22. Local authorities should provide strategic leadership in their areas to support participation in education, training and employment - working with and influencing partners by:

- ensuring a focus on participation is embedded and communicated throughout the authority's services for children and young people;
- ensuring the services for young people in the local area come together to meet the needs of young people – including funding for education and training places and re-engagement provision;
- agreeing ways of working with other partners such as Local Enterprise Partnerships (LEPs), Jobcentre Plus, employers, voluntary and community sector organisations, health services, police, and probation services; and
- working with neighbouring authorities, especially where young people routinely travel out of the area to access education and training, for work or other services.

23. To discharge this duty, local authorities must collect information about young people in their area in order to identify those who are not participating, or who are at risk of not doing so, and to target their resources on those who need them most. The information collected must be in the format specified in the NCCIS Management Information Requirement⁸. To meet this requirement, local authorities need to have arrangements in place to confirm all young people's current activity at regular intervals. This may be through the exchange of information with education and training providers, and other services within the local authority area such as youth offending teams and Jobcentre Plus, as well as through direct contact with young people.

24. Section 72 of ESA 2008 places a duty on educational institutions to provide information to local authority services in order for them to deliver their duties under section 68. Sections 76 and 77 provide additional data sharing powers to support local authorities to deliver their duties under section 68. Local authorities should agree data sharing agreements with education providers and other public bodies that set out the information they will provide, when it will be provided and how they will ensure that data is passed securely.

25. Local authorities are expected to continue to work with schools to identify those who are in need of targeted support or who are at risk of not participating post-16. They will need to agree how these young people can be referred for intensive support, drawn from the range of education and training support services available locally. For example,

⁸ See the gov.uk guidance "[NCCIS management information requirement](#)" for further information.

this may include engagement programmes and mental health services. Local authorities should pay particular attention to young people not in mainstream education, such as those not on school rolls, those attending alternative provision, and those in youth custody. Local authorities should support these young people to ensure they are not disadvantaged when applying for a suitable place in post-16 education or training.

26. Every young person who reaches the age of 16 or 17 in any given academic year is entitled to an offer of a suitable place, by the end of September, to continue in education or training the following year. Local authorities are required to lead the September Guarantee process for:

- 16 year olds who are educated in their area; and
- 17 year olds who are resident in their area.

27. Local authorities should work with schools and post-16 providers to identify those young people eligible for an offer, understand their post-16 plans and any offers they have received and record this information on their Client Caseload Information (CCIS) databases. Young people who do not have post-16 plans or an offer of a place are at risk of becoming NEET in September. Identifying these young people early enables services to provide additional advice and support about the options available, and to alert the EFA to any emerging gaps in provision. Local authorities will want to agree with schools who is best placed to offer support after the end of the summer term. They will also need to work with neighbouring authorities to establish offers made by schools and colleges outside their authority's area.

28. A significant proportion of young people are educated outside the area where they live or move between local authority areas. In the event of a local authority being given information about a young person who is resident in another local authority area, they should inform the home authority as quickly as possible. Local authorities may learn of young people moving into their area from other services, such as Jobcentre Plus, or from other local authorities. Local authorities must record these young people on their CCIS database and to co-operate fully with other authorities in order to minimise the risk of young people slipping through the net.

29. Information on the number or proportion of young people in each area who:

- receive an offer under the September Guarantee;
- are participating in education or training, including those meeting the duty to participate;
- are NEET; or
- whose current activity is not known;

is taken from the CCIS data reported to the Department and made available publically on gov.uk on a regular basis. The KS4 and KS5 destination measures also draw on information from NCCIS to identify young people in employment, training or NEET.

30. Local authorities are expected to pay particular attention to young people who are NEET or whose current activity is not known. This may include working with Youth Contract providers to refer 16 and 17 year olds who are NEET and eligible for support in line with the [Youth Contract: 16- and 17-year-olds](#) guidance issued by the EFA.

31. Local authorities should continue to maintain close links with Jobcentre Plus to ensure that young people who are NEET and receiving benefits get support that is appropriate to their needs. The Department for Work and Pensions (DWP) passes basic details of 18 and 19 year olds making a new claim for benefits to local authorities each month. The local authority is expected to use this information to offer support to the young person and to update CCIS. There is guidance on [working together to support young People](#) available on gov.uk. The information includes a Memorandum of Understanding that can be agreed to allow Jobcentre Plus to share information on young people who are NEET with local authorities.

32. In certain circumstances, 16 and 17 year olds are eligible to claim Jobseeker's Allowance (JSA), Income Support (IS), Employment Support Allowance (ESA) or Universal Credit. Whilst decisions about the payment of benefits will be made by Jobcentre Plus, any young person aged under 18 wishing to make a claim must first register with the local authority as a condition of entitlement. Local authorities must follow the processes set out in the [guidance on benefit liaison](#), issued by DWP, to ensure that benefit regulations are adhered to, and should be aware of the [Jobseeker's Allowance Claimant Commitment](#).

33. To enable local authorities in England to fulfil their duty to track participation, there will be occasions when they need to approach Welsh and Scottish authorities and educational institutions for information about individual young people who are resident in England but studying in Wales or Scotland.

34. Welsh and Scottish authorities and educational institutions are not under a specific duty to provide the information but we would expect them to respond to any request reasonably to support our shared objectives of helping young people to improve their skills and attain higher levels of qualifications.

Supporting young people and providers to fulfil their duties introduced under RPA

Duty on young people

35. Part 1 of ESA 2008 places a duty on young people themselves. This means that young people aged 16 and 17 are under a duty to continue in education or training for longer, as set out in paragraphs 8 and 9. The duty to participate on all young people who left year 11 in summer 2014 or later is until the young person's 18th birthday and not until the end of the academic year the young person turns 18. Young people should however be encouraged to complete the education or training they are undertaking. This section of the guidance relates to these age groups, though local authorities are free to consider its wider application to support other young people (eg those aged 18 or over).

36. Advice on the definitions of participation in education or training is set out in Annex 1 to this guidance. The aim is to ensure that every young person continues their studies or takes up training and goes on to successful employment or higher education.

Duties on providers

37. ESA 2008 placed two RPA-related duties on providers with regard to 16 and 17 year olds:

- Section 11 places a duty on community, foundation or voluntary schools, community or foundation special schools, pupil referral units, schools and colleges in the further education sector to exercise their functions, where possible, so as to promote good attendance to enable young people to meet their duty to participate.
- Section 13 places a duty on all educational institutions (maintained schools, academies, colleges, and education and training providers – including apprenticeship providers and performing arts schools who receive Dance and Drama Award (DaDA) funding) to tell their local authority when a young person is no longer participating. This duty is applicable if a young person leaves an education or training programme before completion (ie 'drops-out') and enables local authorities to take swift action to encourage the young person to re-engage.

38. Schools also have specific responsibilities for young people with statements of SEN or EHC plans leaving school, including arranging an annual review of the statement or EHC plan which focuses on transition from school. The responsibilities placed on young people by RPA should be clearly built into that transition plan.

39. Schools and colleges are required to secure independent careers guidance for young people aged 12-18 (years 8-13). This is explained further in Annex 2 of this guidance. Local authorities can work within local partnerships with schools, colleges and other partners to help develop the careers guidance offer. For example, this may include

understanding pathways locally and embedding intelligence on the local economy. Destinations data are an important tool in helping schools to measure the effectiveness of their support by assessing how successfully their pupils make the transition into the next stage of education or training. Schools and colleges will be held to account for the destinations of all their leavers through the annual publication of destination measures.

Duty on local authorities introduced under RPA to promote participation

40. The participation of young people in education and training should be actively promoted through local authorities' wider functions (section 10 of ESA 2008).

41. Specific examples of this are:

- When developing transport arrangements and preparing their post-16 transport policy statement, local authorities should, in accordance with their duty under the Education Act 1996, ensure that young people are not prevented from participating because of the cost or availability of transport to their education or training⁹. [Statutory guidance](#) has been developed to help local authorities to meet their post-16 transport duty.
- Local authorities should ensure a focus on participation is embedded throughout their education and children's services, youth offending teams, troubled families teams and pre-16 education teams, social services and economic development, amongst others.
- The Children and Families Act 2014 places a duty on local authorities to develop a local offer setting out what services they expect to be available for local children and young people with SEN or disabilities up to age 25. This must include post-16 education and training provision. Further information is available in the [SEN Code of Practice](#). The local offer will be a key tool in supporting young people with SEN and disabilities to make choices as they approach the end of school and successfully make the transition into post-16 education and training. Young people with SEN and disabilities should be encouraged and supported to follow a coherent study programme at an appropriate level that supports their progression. Where 16 to 18 year olds are NEET, or at risk of becoming NEET, their EHC plan should be maintained and they should be encouraged and supported to return to education and training as soon as practicably possible. Under the Children and Family Act 2014's regulations, local authorities must also consider carefully the action to take when young people with EHC plans aged 18 or over leave education or training before the end of their course, seeking to re-engage them where appropriate¹⁰.

⁹ Section 509AA of the Education Act 1996

¹⁰ Para 9.203 of the [0-25 SEN Code of Practice](#)

42. Local authorities should provide strategic leadership in their areas, working with and influencing partners locally, such as LEPs, to promote participation. Local authorities may wish to consider:

- having agreements in place for working with neighbouring authorities;
- ensuring the services for young people in the local area come together to meet the needs of young people – including funding for education and training places and re-engagement provision; and
- agreeing ways of working with wider agencies including voluntary and community sector organisations and employers.

43. Sections 14-17 of ESA 2008 provide data sharing powers to encourage local authorities to promote effective participation.

Duty on local authorities introduced under RPA to identify young people not participating

44. Local authorities need to identify young people not participating so that they can ensure that these young people get the support they need. CCIS is the main source of evidence that local authorities are discharging their duty under section 12 of ESA 2008 to identify young people who are not participating.

45. Local authorities are expected to act on any information they receive about a young person who has dropped out (paragraph 35 above refers); contacting them at the earliest opportunity and supporting them to find an alternative place in education, training or employment with accredited training.

Specific circumstances and exceptions

46. The duty to participate in education or training applies to those young people resident in England. In certain circumstances, local authorities may need to make judgements about whether young people are resident in England (eg if a young person is in the country for an extended temporary period). Local authorities have discretion to make these decisions themselves based on the individual's circumstances. The EFA funding guidance sets out the criteria for eligibility for funding and this may be helpful in making these decisions.

47. RPA legislation applies in England only but there will be cases where young people living either side of the England borders will travel to education or training in a country in which they are not resident. Young people who live in England but travel to Wales or Scotland to study are still under a duty to participate. Young people who live in Wales or Scotland but travel to England to study are not covered by RPA. If young people who are normally resident in England move to Wales or Scotland to study, local

authorities should use their local discretion to decide whether they are classed as resident in England – see paragraph 46.

48. Young people attending education institutions that provide a specialist education would be considered to be meeting their RPA duty without the need for further investigation. See paragraph 14 in Annex 1.

49. We have made provision so that a serving member of the Armed Forces who is participating in the training given to new members will automatically be treated as meeting their RPA duty without the need for further investigation. See paragraphs 15 and 16 in Annex 1.

50. Young people undertaking re-engagement provision that has been put in place specifically to help a young person re-engage in sustained post-16 education or training will be meeting their RPA duty without the need for further investigation. Further information and re-engagement principles are set out in Annex 3.

51. The government recognises there will always be a very small number of young people who require a temporary break in education or training (such as new mothers or the very ill). It is important that local authorities are satisfied that they have in place the appropriate support mechanisms to enable these young people to return to education or training as soon as is reasonably possible.

52. Young people who have longer term medical needs that affect their study but who do not have an LDA, SEN statement or an EHC plan may be unable to fulfil the full requirement of RPA: for example they may not be able to manage full-time education or working over 20 hours per week while studying. Local authorities should consider these cases individually, recognising that full compliance may not be possible for these young people.

Annex 1 - defining participation

1. This annex sets out further information about how the duties on young people apply.
2. The Government has raised the participation age (RPA) so that all young people in England are now required to continue in education or training for longer as set out in paragraphs 8 and 9 of the main guidance document.
3. Where young people have left year 11 of compulsory education in June and have accepted an offer of a place in education or training that does not start until September, there is no requirement for them to participate during the summer holidays. Similarly, where young people are meeting their duty to participate through full-time education they should still take the usual breaks in learning (eg school/college holidays).
4. Where young people who would normally be under a duty to continue to participate post-16 have already attained a level 3 qualification, for example two A levels¹¹, they are no longer required to participate but may benefit from support to continue their education or get a job.
5. RPA does not mean staying in school; young people have a choice about how they continue in education or training post-16. The three primary routes for young people to participate are:
 - full-time study in a school, college or with a training provider;
 - full-time work or volunteering (20 hours or more) combined with part-time education or training; or
 - an apprenticeship or traineeship (more information available at www.apprenticeships.org.uk).

Full-time education

6. Where a young person is attending full-time education at a school, they will be meeting their duty to participate.
7. For young people attending other full-time education – whether that be a sixth-form college, general further education college, independent college, or otherwise apart from the settings below (paragraphs 8 and 9) – the definition of full-time participation is at least 540 hours of guided learning a year. In accordance with the principles of 16-19 study programmes¹², wider forms of education such as work experience can be included within those hours. In general, young people enrolled on a full-time study programme will be meeting the duty to participate.

¹¹ Section 3 Education and Skills Act 2008

¹² For further information see the gov.uk webpage on [increasing opportunities for young people](https://www.gov.uk/increasing-opportunities-for-young-people).

8. For young people who are being home educated, no hourly requirement of education applies. The amount and content of the home education is at the discretion of the home educator. In most circumstances it will be the young person themselves who states that they are home educated. If the authority believes there is some doubt in the matter, they may wish to seek confirmation of this from the parent or guardian, but no on-going monitoring of the education is required. If the authority has evidence to suggest that a young person who claims to be home educated is not, then they would be expected to clarify the position with the young person.

9. For young people who have been absent from the education system and are now attending a re-engagement programme, no hourly requirement of education applies. Local authorities should be satisfied that the express intention of the programme is to support the young person to move into full-time education at a school or college, an apprenticeship or traineeship, or full-time work or volunteering with part-time training alongside. Once re-engagement onto one of those routes is secured, the wider requirements for participation apply.

10. Local authorities are able to determine for themselves what counts as re-engagement provision. A suggested set of non-statutory principles for re-engagement provision has been developed by representatives from the sector and this forms Annex 3 to this guidance. [Advice on how local authorities can work with providers of the Youth Contract for 16-17 year olds](#) should be considered in deciding whether the provision put in place meets the needs of these young people.

Apprenticeships

11. Entering into an apprenticeship agreement as set out in the Apprenticeship, Skills, Children and Learning Act 2009 satisfies the duty to participate and no further monitoring of that young person's training or employment is needed. Apprenticeship providers are included in the requirement to notify a local authority if a young person is no longer participating.

Traineeships

12. Traineeships¹³ are a new training route for young people aged 16-23 (and up to 25 for young people with a SEN). Traineeships aim to give young people the skills and vital experience they need to get an apprenticeship or other job. Traineeships are part of 16-19 study programmes so a young person enrolling on a traineeship would meet the duty to participate.

¹³You can find out more about traineeships from the [traineeship frameworks for delivery](#).

Full-time work with part-time education or training

13. Sections 5, 6 and 8 of ESA 2008 detail the requirements of this route. In order to be considered as participating, a young person must both be in full-time work and undertaking part-time education or training. The key definitions to which local authorities will need to have regard to are that:

- To count as full-time work, the job must be for 8 or more weeks consecutively and for 20 or more hours per week. The 20 hours employment can be undertaken with more than one employer. Where a young person's employment hours vary, employment of an average of 40 or more hours over a two week period can be considered as meeting the requirement.
- Full-time self-employment, holding a public office or working other than for reward (eg volunteering) should all be regarded in the same way as full-time employment. The 20 hours volunteering can be undertaken with more than one organisation and for each volunteering placement it is recommended that a written agreement is in place between the young person and the placement organiser.
- Part-time education or training alongside full-time work must be at least 280 guided learning hours (GLH) per year. There is no set pattern for how these hours should be taken - at a given time a young person might not be undertaking education or training as long as it is clear that over the course of the year the hourly minimum will be met. Part-time education or training pursued alongside full-time work must constitute education or training leading towards accredited qualifications¹⁴ and therefore have a GLH value attached. This education or training may be provided directly by an employer or by another organisation.

Young people attending non-registered education institutions

14. Education institutions such as seminary or talmudic colleges provide a specialist education and young people attending these institutions would be considered to be complying with the duty to participate beyond the age of 16. Independent colleges should, however, be encouraged to provide a balanced education based on prior achievement and to include the continued study of English and maths where appropriate.

Young people joining the armed forces

15. Serving in the armed forces provides relevant training for young people and is a valid and valuable career route. As the terms of service and training within the armed forces vary, the government has made provision that a serving member of the armed forces who is participating in the training given to new members, will automatically be treated as meeting their duty to participate without further investigation or any

¹⁴ The [Register of Regulated Qualifications](#) can be found on Ofqual's website.

requirement to deliver specific subjects or programmes. For the purposes of RPA, armed forces means the naval, military or air forces of the Crown, but not the reserve forces.

16. Young people who have been recruited to serve in the armed forces may, on occasion, have to wait for a training place. Where this is the case, young people should consider how they might use this waiting time constructively, for example by improving their maths, English and other skills, volunteering or seeking temporary employment.

Young people with full-time caring responsibilities

17. In exceptional cases where a young person aged 16 or 17 has assumed a full-time unpaid caring role for another person, they will be considered to be meeting their duty to participate if they are also undertaking accredited part-time education or training.

18. This provision is only for that small number of young carers who have had a young carer assessment and who are willing and able to undertake a full-time caring role, and balance that with their education or training, without any adverse impact on their own health or wellbeing. Local authorities will therefore need to establish that individual circumstances have been taken into account, a proper assessment of needs for support has taken place and professional judgement has been applied.

19. Young people who are parents caring for children are not classed as being young carers, and these young parents would normally be expected to participate full-time, and may qualify for Care to Learn funding to enable them to do so¹⁵.

Young parents

20. Local authorities are responsible for identifying young parents who are not participating and for ensuring that there is appropriate support in place to help them return to education or training as soon as practicable.

21. There is no legal requirement that determines at what point a young mother on maternity leave should return to education and training. Local authorities could reasonably apply the same time period for which statutory maternity leave is available to those in work, although they should use their discretion and knowledge of the young mother's individual circumstances to agree a suitable return date.

Young people in jobs without training

22. Those in jobs without the required training should be encouraged to take up suitable part-time accredited education or training alongside their work. Local authorities should be aware of their duty to secure appropriate provision¹⁶ for all young people and

¹⁵ An [overview of Care to Learn](#) is available at gov.uk.

¹⁶ Section 15ZA and 18A of the Education Act 1996 (as inserted by the ASCL Act 2009) and from 1st September 2014, Part 3 of the Children and Families Act 2014

so ensure that flexible provision is in place where needed. Local authorities should work closely with local employers to agree suitable arrangements for young people.

Young people in jobs with non-accredited training

23. Those in jobs with training that does not lead to an accredited qualification should also be encouraged to take up accredited part-time education or training alongside their work.

Young people taking breaks in their formal education or training

24. Young people should not take extended time out of education and training when they are required to participate. However, there will be occasions where young people are offered positive opportunities that have an element of education and training in them, although they may not fully meet RPA criteria.

25. If the opportunity is abroad, local authorities will need to decide whether the young person is classed as being resident in England during this period (see paragraph 46 of the main guidance about residency).

26. If the young person is deemed to be resident in England by their local authority, or if the opportunity itself is in England, the local authority will need to decide whether what the young person is doing meets the duty to participate in education or training.

27. If the local authority believes that the young person is not fully meeting their RPA duty but is engaged in a positive activity that is improving their maths, English or other skills, then this would appear to be a positive outcome for the young person. We would not expect local authorities to intervene in such cases.

Young people taking gap years

28. Most young people who take gap years do so at 18 or older and have achieved level 3. As such, they will be unaffected by this legislation. For the small group of 16 and 17 year olds who are considering taking a gap year, where the gap year is taken abroad, a local authority may need to make a judgement about whether that young person will be resident in England (see paragraph 46 of the main guidance about residency). Those remaining in England to work or volunteer are expected to comply with RPA.

Annex 2 - duties on other organisations in relation to RPA

Careers requirement on schools and colleges

1. Schools are under a duty to secure independent careers guidance¹⁷ for pupils in years 8-13 on the full range of education and training options, including apprenticeships¹⁸.
2. Schools are expected to work in partnership with local employers and other education and training providers like colleges, universities and apprenticeship and traineeship providers to ensure that young people can benefit from direct, motivating and exciting experience of the world of work, to develop high aspirations and inform decisions about future education and training options. They should also consider the needs of pupils who require more sustained or intensive support before they are ready to make career decisions.
3. Revised [statutory guidance](#) and [non-statutory departmental advice](#), published on 10 April 2014, outlines why schools must secure independent careers guidance for young people, what they must do to comply with their legal responsibilities in this area and the role of the governing body and head teacher in shaping the guidance and support offered by the school. It places a greater emphasis on ensuring schools are focused on having high aspirations for all students and to ensure that all schools are clear about what is expected of them in meeting their duty.
4. Funding agreements for further education colleges and sixth form colleges set out a requirement to secure independent careers guidance for all students up to and including the age of 18 and 19 to 25 year olds with a current LDA, SEN statement or EHC plan. [Guidance](#) published in June 2013, offers information which colleges may wish to draw on when interpreting the new requirement and deciding on the most appropriate forms of independent and impartial careers guidance for their students.

Duties on employers

5. The duties on employers in the Education and Skills Act 2008 have not been brought into force at this stage¹⁹. The possibility of commencing them will be kept under review.

¹⁷ Education Act 2011 inserted a duty, section 42A, into Part VII of Education Act 1997

¹⁸ While the legislative requirement applies to maintained schools, many academies and free schools are subject to the duties through their funding agreements, including those which opened from September 2012 onwards and those which have moved to the updated funding agreement. Academies without the requirement are encouraged to follow this guidance in any case as a statement of good practice.

¹⁹ Section 19-39 Education and Skills Act 2008

Annex 3 - effective re-engagement

1. For those young people who face significant barriers to participating post-16, re-engagement activity and provision can play a key role in supporting them back into education or training. Local authorities should ensure as far as they can that there is a coherent set of provision available in their area, and use it as appropriate to support young people.
2. Re-engagement provision (or programmes to encourage young people to re-engage) are available through the government funded Youth Contract²⁰, and National Citizen Service²¹ and through European Social Fund (ESF) funded initiatives²². Many local and national third sector organisations also offer programmes (often in partnership with private businesses, local authorities, and LEPs to help re-engage young people. Schools and colleges will also offer re-engagement services and provision seeking to prevent disengagement. Further re-engagement provision or support will be available in some pilot areas through the Youth Engagement Fund and support from Jobcentre Plus²³.
3. Young people taking part in provision that has been put in place specifically to help them make the transition into sustained post-16 education or training will be regarded as meeting their RPA duty.

The principles of effective re-engagement

4. The following non-statutory principles are designed to assist commissioners and providers when making decisions about the breadth and content of the re-engagement provision in their area. Local areas may want to build on this as they develop their provision locally. They were produced following consultation with a group of voluntary and community sector organisations and local authorities, who agreed that good re-engagement provision is likely to adhere to the following principles.

A personalised approach...

5. Provision is tailored to the young person, taking account of appropriate background information, and responds to individual needs in order to create an appropriate path back into education or training. An on-going individual needs assessment will allow the programme to develop with the young person, focused on the range of barriers preventing them from participating.

²⁰ See Youth Contract: 16- and 17-year-olds guidance for further information.

²¹ See gov.uk webpage on the [National Citizenship Service](#) for further information.

²² See gov.uk webpage on the [European Social Fund](#) for further information.

²³ See gov.uk [press release on support from Jobcentre Plus](#) for further information.

...with clearly agreed outcomes...

6. Achievable and agreed outcomes are decided with the young person and may be expressed in an individual plan. Re-engagement providers may want to consider how best to develop the social and emotional capabilities of the young person, whilst maintaining a focus on their sustained engagement in education or training.

...leading to progression into sustained education or employment...

7. An effective re-engagement programme will lead to progression, monitored by the provider, into sustained education, employment or training. The amount of time a young person will spend on re-engagement provision will vary depending on their development needs but the focus should remain on securing progression to mainstream education, training or work with training.

...underpinned by appropriate information and support...

8. Providers have an important role to play, working with local authorities where appropriate, in providing access to appropriate sources of information to help young people make informed choices about the education, training and employment opportunities available in their area, as well as to relevant sources of support, such as the financial support available to young people to continue in education or training.

...and strong partnership working.

9. There are a number of key partnerships that are needed to ensure that re-engagement programmes are as effective as possible, providing all round support to allow a range of needs to be met. Regular communication will allow appropriate referrals – between support agencies or onto an education or training provider – and continued support while the young person makes that transition.



Department
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